

United States District Court  
Eastern District of Wisconsin

Michael K. Brooks,  
Plaintiff,

V.

Case NO: 18-CV-1767-JPS

Steven Artus,  
Quivon Dillon,  
Jeffrey Erickson,  
Pedro Ruiz,  
Brandon Decker,  
Defendants.

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED  
2019 OCT 31 P 12:45  
STEPHEN C. DRIES  
CLERK

Amended Complaint  
Jury Demand

Preliminary Statement

1. This is an action brought pursuant to 42 U.S.C. 1983 Seeking declaratory, inductive relief, and damages for Michael K. Brooks, ("Brooks") A prisoner Currently Confined at Wisconsin Resource Center ("WRC"). This action alleges defendants violated (Brooks) 8<sup>th</sup> amendment and United States Constitutional rights.
2. This court has subject matter Jurisdiction over this action pursuant to 28 U.S.C. 1331 because this action arises under the Constitution Laws and treaties of the United States and 28 U.S.C.

1343(a)(3) because this actions seeks to redress the deprivation under the color of state Law (Brooks) Civil Rights.

3. This court has Jurisdiction to Grant declaratory relief Pursuant to 28 U.S.C. 2201 and 2202 And Fed.R.C.V.P. Rule 57.

4. This court has Jurisdiction to Grant inductive relief pursuant to Fed. R.C.V.P Rule 65.

### Venue

5. Venue is proper in this Judicial district pursuant to 28 U.S.C. 1391(b)(1) because one or more of the defendants resides in this district and 1391(b)(2) because this is the district Where these Claims occurred.

### Parties

6. Michael K. Brooks plaintiff, At all times relevant to this action is a Citizen of the state of Wisconsin Who Currently resides at Wisconsin Resource Center P.O. Box 220, Winnebago, Wisconsin 54985-0220.

7. Defendant Steven Artus was a Lieutenant of the Milwaukee County Jail and is employed by the County. And at all times Material herein has acted under the Color of the law and is sued in his individual Compacity For damages and his Official Capacity for inductive relief.

8. Defendant Quiron Dillon was an officer at the Milwaukee Couty Jail and is employed by the County. And at all times



material herein has acted under color of Law and is sued in his individual capacity for damages and his official capacity for inductive relief.

9. Defendant Jeffrey Erickson was an officer at the Milwaukee County Jail and is employed by the County. And at all times material herein has acted under the color of law and is sued in his individual capacity for damages and his official capacity for inductive relief.

10. Defendant Pedro Ruiz was an officer at the Milwaukee County Jail and is employed by the County. And at all times material herein has acted under the color of law and is sued in his individual capacity for damages and his official capacity for inductive relief.

11. Defendant Brandon Decker was a Nurse Practitioner employed by Milwaukee County through contracts with Armor. And at all times material herein has acted under the color of law and is sued in his individual capacity for damages and his official capacity for inductive relief.

#### Allegations of Fact

12. On August 13, 29, 30, of 2017 plaintiff had unit officer call the Health Care unit to have medical supplies sent to unit. Plaintiff self-caths at least 4 times a day and maybe more. Plaintiff did not receive pull-ups, catheters, sanitation prep pads, or

lubricating Jelly on the above mentioned days. Plaintiff was forced to use the same catheters exposing himself to a urinary Track Infection.

13. On August 14, 15, 16, of 2017 Plaintiff went 4 to 16 hours without being able to relieve himself. Plaintiff suffered through Severe pain ~~at~~ not being able to relieve himself of urine and Not stop urine from leaking from his penis. Plaintiff had to eat, sleep, and wear the same clothing.

14. On August 16, 2017 Plaintiff asked Second Shift Officer could he take a shower. Plaintiff was denied a shower and had to sleep in soiled clothing.

15. On August 31, 2017 Plaintiff had first shift officer call the Health Service Unit to have supplies sent up to unit. Plaintiff went several hours without relieving himself. Unit officer on her break brought some catheters back to unit 5C.

16. On August 18 2017 Plaintiff asked second shift officer could he please take a shower. Plaintiff was denied a shower even though plaintiff had medical restrictions for clothing, linen, and showers as needed. Plaintiff was then escorted to the medical housing unit for threatening to harm himself because of his condition.

17. On September 3, 2017 Plaintiff asked second shift officer



(Ruiz) could he take a shower Plaintiff was denied a shower but Given a change of Clothing and linen.

18. On September 9, 2017 Plaintiff asked first shift officer (Dillon) could he please take a shower. Plaintiff was denied a shower and a change of clothing. Plaintiff asked officer (Dillon) to call the medical unit to have supplies sent up. Plaintiff Never received supplies and was forced to reuse catheters exposing himself to a urinary Tract Infection.

19. On September 9, 2017 plaintiff asked Second shift officer (Erickson) could he take a shower and have a change of Clothing and linen. Plaintiff was denied a shower but Give Clothing. Plaintiff was forced to sleep on urine smelling sheets and blankets. Officer (Erickson) was made aware of Restriction for plaintiff.

20. On September 13, 2017 Plaintiff spoke to Nurse Practitioner (Decker) about all of these issues in this complaint. (Decker) stated that there is nothing he could do about these issues but to place a permanent catheter inside my penis and a bag to urine inside.

21. On September 25, 2017 plaintiff was forced to reuse the same Catheters over and over.

22. On September 26, 2017 Plaintiff was forced to reuse the same Catheters over and over as they were the same as the day before.

23. on August 13, 14, 16, 2017 Plaintiff wrote to health services by filling out a Health Service Slip request regarding these issues in this complaint. Nurse practitioner (Decker) said that he would have things looked into.
24. On August 15, 2017 and August 18, 2017 Plaintiff filled out a request slip to talk to any Lieutenant about all of these issues in this complaint and plaintiff received no response or change in treatment.
25. On August 23 2017 Plaintiff wrote to Lieutenant (Artus) about all of the issues in this complaint and plaintiff has yet to receive any change in ~~treatment~~ or a response.
26. On August 26, 31, 2017 Plaintiff filled out inmate Grievance forms for these dates about his medical conditions and plaintiff has yet to receive a response or change in treatment.
27. On September 12, 2017 Plaintiff received a written response for Grievance #10745. This response says that my medical conditions and treatment is founded but there has been no change in treatment.
28. On September 19, 26, 2017 Plaintiff filled out an inmate Grievance form and has yet to receive a response or change in treatment.
29. Plaintiff received notice of Grievance ~~has~~ on September 28 2017 that was referred to Lieutenant. On September 27 2017 that was referred to



Armor and September 29 that was referred to medical. Grievance Numbers: #11022 #10972 and #11042.

30. On September 27, 2017 Plaintiff filled out a Health Care Request Form regarding his medical conditions, treatment, and not getting supplies. There was no response or change in treatment.

31. On October 1, 2017 Plaintiff filled out an inmate Grievance Form about all of these issues in this complaint and there has been no response to plaintiff's grievances.

32. On September 27, 2017 Plaintiff an inmate Grievance Form and there has been no change in Plaintiff's treatment.

33. On September 28, 2017 Plaintiff filled out Inmate Grievance Form and there has been no change in Plaintiff's treatment.

34. On October 2, 2017 Plaintiff received from Grievance Number #11042. There has been no change in treatment. This Grievance was unfounded but they apologized for the inconveniences.

35. On October 3, 2017 Plaintiff filled out a Health Care Request Form and asked why plaintiff is only getting (2) catheters instead of (4) or (more). Plaintiff received no response and continued to use old catheters.

36. On October 5, 2017 Plaintiff filled out a Grievance Form about not getting at least (4) catheters daily. There was no



Response and Plaintiff reused old Catheters.

37. Plaintiff received a notice of receipt for a Grievance, Grievance #11105 which was referred to medical on October 6, 2017. There was no response to this Grievance after this.

38. On October 8, 2017 Plaintiff filled out a Grievance. Plaintiff receive no response or change in treatment. Plaintiff suffered through severe pain.

39. On October 9, 2017 Plaintiff filed a Grievance and received no response or change in treatment.

40. On October 9, 2017 Plaintiff filled out a Health Care request form. Plaintiff asked why are you exposing me to a Urinary Tract Infection (UTI)? why are you forcing me to reuse the same catheters. There has been no change or response.

41. Plaintiff received a notice of receipt regarding Grievance #11128. This Grievance was referred to medical. There were no other responses to this Grievance.

42. On October 12, 2017 Plaintiff filled out Grievance about suffering through severe pain and hurting do to not having Catheters. There has been no response or change in treatment.

43. On October 15, 2017 Plaintiff filled out a Health care request after receiving (1) catheter. There was no response or change in



treatment. Plaintiff was forced to reuse same catheter.

44. Plaintiff received a response to Grievance # 10736. The Grievance was unfounded but they apologized for any inconvenience, but agreed to give me (4) catheters daily. This Grievance was dated October 16, 2017.

45. On October 17, 2017 Plaintiff filled out a Health Care Request because catheters aren't being sent to unit. There was no response or change in treatment. Plaintiff reused old catheters.

46. On October 19, 2017 Plaintiff filled out Health Care Request about not getting catheters. There was no response and Plaintiff reused old catheters.

47. On October 23, 2017 Plaintiff filled out Grievance Form about all the issues in this complaint and there has been a partial response to plaintiff's treatment.

48. On October 24 2017 Plaintiff filled out a Health Care Request form about not getting supplies. There was no response and partial treatment.

### Claims of Relief

49. 8<sup>th</sup> amendment Constitutional Cause of Action for Conditions of Confinement, Deliberate indifference to my serious

medical need and Pain and Suffering.

Relief Requested

50. Wherefore Plaintiff respectfully request and prays for the following:

- A. Declaratory Judgement: stating defendants actions violated Plaintiffs 8<sup>th</sup> amendmant rights of the United States Constitution.
- B. Compensatory Damages: 100,000 Thousand against each defendant Jointly and to severely punish defendants for the Callous disregard of Plaintiffs 8<sup>th</sup> Amendmant rights of the United States Constitution.
- C. Punitive Damages: 50 000 Thousand against each defendant Jointly and to severely punish defendants for the Callous disregard of ~~the~~ plaintiffs 8<sup>th</sup> amendmant rights of the United States Constitution.
- D. Inductive Relief: stating deferbant must pay for all medical bills.
- E. Court Cost and Fee's
- F. Any other relief that the Court deems Just and proper.



I Michael K. Brooks hereby Verify under penalty or perjury the the foregoing statements are true and correct to the best of my personal knowledge and beliefs.

Dated This 24<sup>th</sup> day of October 2019.

Respectfully Submitted,

Michael K. Brooks

WRG # 320364

P.O. Box 220

Winnebago, WI 54985-0220